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May 8, 2020

Hon. Katharine H. Parker  
 United States Magistrate Judge, Southern District of New York  
 Daniel Patrick Moynihan United States Courthouse  
 500 Pearl Street, Room 750  
 New York, New York 10007-1312

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Re: *Pearlstein v. Blackberry Limited*, No. 1:13-cv-7060 (CM) (KHP) (S.D.N.Y.)

Dear Judge Parker:

We write to respond to Lead Plaintiffs' letter from earlier today (ECF No. 450) and to inform the Court of the topics we wish to discuss at Monday's status conference. We were not provided with a copy of that letter before it was submitted, so provide this response to state our views on the matters we ask the Court to address.

***Expert Discovery schedule***

In our meet-and-confer call, the parties agreed, subject to the Court's approval, to a modest extension of current discovery deadlines. The schedule presented to the Court by Plaintiffs reflects the parties' discussion except with regard to the final expert reply report and deposition timing. In their letter, plaintiffs propose that they have four weeks to serve reply expert reports, but only allow two weeks for Defendants to do so. The time periods should be reciprocal, which results in a deadline for Defendants to serve their reply of October 23, 2020, with a corresponding two week extension to the deposition period. Defendants therefore ask the Court to set the following schedule:

Event	Current Deadline	Proposed Deadline
Plaintiffs serve expert reports	May 29, 2020	May 29, 2020
Defendants identify new subject experts	May 29, 2020	June 29, 2020
Defendants serve rebuttal expert reports	June 29, 2020	August 12, 2020
Defendants serve opening expert reports	June 29, 2020	August 12, 2020
Plaintiffs serve reply expert reports	July 13, 2020	September 10, 2020
Plaintiffs serve rebuttal reports	July 29, 2020	September 25, 2020
Defendants serve reply reports	August 14, 2020	October 23, 2020
Expert depositions	July 19-August 28, 2020	October 1-Nov 13, 2020
Completion of expert discovery	August 29, 2020	November 13, 2020

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**Class Certification**

Plaintiffs filed a motion before Judge McMahon, asking that the Court permit them to re-file their motion for class certification on May 29, 2020. (ECF no. 447.) Because Judge McMahon previously ordered re-filing of the class certification motion upon the Second Circuit deciding *Ark. Teacher Ret. Sys. v. Goldman Sachs Grp., Inc.*, 18-3667 (2d Cir.), (ECF No. 304), Defendants do not believe such a motion was necessary but agree to the request to set a May 29, 2020 deadline for filing the motion.

In our meet-and-confer call, Defendants attempted to discuss a briefing schedule for class certification. Plaintiffs expressed the view that Judge McMahon's prior order referring class certification to this Court for a report and recommendation was limited to the now-administratively closed motion; therefore, in their view, the subject of a schedule for briefing class certification is not properly before this Court. They declined to discuss class certification scheduling.

It is Defendants' understanding that Judge McMahon's referral of class certification proceedings continues in effect. We presume the Court will advise the parties in due course in that regard. Either way, Defendants believe it would be helpful to set a briefing schedule so that the parties and the Court can arrange their calendars efficiently. Defendants would like to discuss scheduling of class certification briefing and the timing of an evidentiary hearing at the conference.

We look forward to discussing these issues with the Court on Monday.

Respectfully submitted,

/s/ James J. Beha II  
James J. Beha II

cc: All counsel of record (by ECF)